

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana ~~Fourteenth~~ Judicial District, County of ~~Musselshell~~ *Carbon*
Twenty-Sixth

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-12-001
-vs-)	
)	DECISION
ZACHARY G. SHAFFER,)	
)	
Defendant.)	

On March 6, 2013, the District Court sentenced the Defendant to ten (10) years, with no time suspended, to a prison designated by the Department of Corrections, for the offense of Count I: Assault on a Peace Officer. The Court imposed a parole restriction of eight (8) years. The Defendant was granted credit for time served in the amount of 441 days.

On February 22, 2018, Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). Defendant appeared by videoconferencing from the Crossroads Correctional Center and was represented by Timothy Brothwell, third year law student, under the supervision of Brent Getty of the Office of the State Public Defender. The State was not represented; Carbon County Attorney Alex Nixon was not able to connect via videoconferencing in time for the hearing.

Before hearing the Application, Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. Defendant was further advised that there is no appeal from a decision of the Division. Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 22nd day of February, 2018.

DATED this 9th day of March, 2018.

SENTENCE REVIEW DIVISION

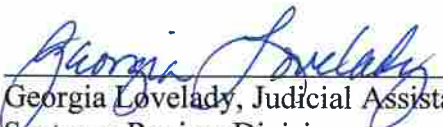

Hon. Kathy Seeley, Chairperson


Hon. Brenda Gilbert, Member


Hon. Dan Wilson, Member

Copies mailed this 13th day
of March, 2018, to:

Clerk of District Court (Original)
Zachary G. Shaffer #3011431, Defendant (2)
Hon. Blair Jones
Brent Getty, Defense Counsel
Alex Nixon, Esq.
Board of Pardons and Parole
MSP - Records Dept.


Georgia Lovelady, Judicial Assistant
Sentence Review Division